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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1062 OF 2007
IN
SUIT NO.1694 OF 1989

Hemant Jamnadas Kara ... Plaintiff
versus
Mahendra Jamnadas Kara ... Defendant

Mr.Vinayak Shitgaonkar i/by N.C.Dalal for plaintiff.

Mr.D.H.Mehta a/w Mr.N.M.Shah for defendant.

Mr.N.Raja present.

CORAM : A.M.KHANWILKAR, J.

DATE : 22nd August 2007

PC :

1. Heard counsel for the parties. Perused the pleadings including recent affidavit filed by the advocate N.Raja dated 22nd August 2007 who had appeared before the Court on 29th January 2007. After having considered all the relevant aspects which are on record, in the interest of justice, this Notice of Motion deserves to be allowed in terms of prayer clauses (a) and (b) on condition that defendants shall pay costs quantified at Rs.5,000/- (Rs.Five thousand only) to be paid to

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the plaintiff within one week from today. Payment of costs is condition precedent for showing this indulgence. If costs is not paid within one week from today and acknowledgement thereof is not produced before the registry, office to proceed on the basis that this motion has been dismissed for non prosecution. However, if costs is paid in time, the written statement tendered on behalf of defendants be taken on record. Suit be then placed under caption "for framing of issues" on 6th September 2007 subject to above.

(A.M.KHANWILKAR, J.)